

AMENDED IN ASSEMBLY APRIL 30, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2380

Introduced by Assembly Member Ashburn

February 21, 2002

~~An act to amend Section 1522.4 of, and to add Section 1522.44 to,~~
An act to add Section 1522.44 to the Health and Safety Code, relating
to children.

LEGISLATIVE COUNSEL'S DIGEST

AB 2380, as amended, Ashburn. Children: group homes.

Existing law generally regulates the ~~licensing~~ *licensure* and operation of community care facilities, including group homes.

~~Existing law requires a community care facility that provides 24-hour care for children to have one or more facility managers and requires that the facility manager be at the facility at all times when one or more clients are present.~~

~~This bill would provide, instead, that the facility manager would not be required to be present during the night supervision shift, from 10 p.m. to 7 a.m., if certain conditions are met.~~

Existing law authorizes the State Department of Social Services to specify requirements and qualifications for administrators of group home facilities. Existing regulations adopted by the department require ~~applicants with certain educational backgrounds to have~~ *specific that all group homes have a certified administrator who meets specified educational criteria and has a specified number of years of*

administrative or supervisory experience, or both, over certain staff that provide direct services to children in an agency or in a community care facility with a licensed capacity of ~~seven~~ 7 or more.

This bill would provide that the above described work experience requirement *for an administrator of a group home facility with a licensed capacity of 6 or less* is satisfied if it is obtained at a community care facility with a licensed capacity of ~~six~~ 6 or more.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 1522.4 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~1522.4.—(a) In addition to any other requirements of this~~
4 ~~chapter and except for foster family homes, small family homes,~~
5 ~~and certified family homes of foster family agencies, all of the~~
6 ~~following apply to any community care facility providing 24-hour~~
7 ~~care for children:~~

8 ~~(1) The facility shall have one or more facility managers.~~
9 ~~“Facility manager,” as used in this section, means a person on the~~
10 ~~premises with the authority and responsibility necessary to~~
11 ~~manage and control the day-to-day operation of a community care~~
12 ~~facility and supervise the clients. The facility manager, licensee,~~
13 ~~and administrator, or any combination thereof, may be the same~~
14 ~~person if he or she meets all applicable requirements. If the~~
15 ~~administrator is also the facility manager for the same facility, this~~
16 ~~person shall be limited to the administration and management of~~
17 ~~only one facility.~~

18 ~~(2) The facility manager shall have at least one year of~~
19 ~~experience working with the client group served, or equivalent~~
20 ~~education or experience, as determined by the department.~~

21 ~~(3) (A) A facility manager shall be at the facility at all times~~
22 ~~when one or more clients are present during waking hours from~~
23 ~~7:00 a.m. to 10:00 p.m. During night supervision, from 10:00 p.m.~~
24 ~~to 7:00 a.m., a facility manager is required to be present, except~~
25 ~~when both of the following requirements are met:~~

26 ~~(i) An administrator or facility manager is on-call and capable~~
27 ~~of arriving at the facility site within 30 minutes.~~

1 ~~(ii) The child care staff at the facility have successfully~~
2 ~~completed the minimum initial training required pursuant to~~
3 ~~Section 84065(i) of Title 22 of the California Code of Regulations;~~
4 ~~and six of those hours involved training that is specific to child care~~
5 ~~staff duties on the night supervision shift.~~

6 ~~(B) To ensure adequate supervision of clients when clients are~~
7 ~~at the facility outside of their normal schedule, a current telephone~~
8 ~~number where the facility manager can be reached shall be~~
9 ~~provided to the clients, licensing agency, school, and any other~~
10 ~~agency or person as the department determines is necessary. The~~
11 ~~facility manager shall instruct these agencies and individuals to~~
12 ~~notify him or her when clients will be returning to the facility~~
13 ~~outside of the normal hours.~~

14 ~~(4) The Legislature intends to upgrade the quality of care in~~
15 ~~licensed facilities. For the purposes of Sections 1533 and 1534, the~~
16 ~~licensed facility shall be inspected and evaluated for quality of care~~
17 ~~at least once each year, without advance notice, and as often as~~
18 ~~necessary, without advance notice, to ensure the quality of care~~
19 ~~being provided.~~

20 ~~(5) Paragraphs (1), (2), and (3) shall apply only to new facilities~~
21 ~~licensed for six or fewer children which apply for a license after~~
22 ~~January 1, 1985, and all other new facilities licensed for seven or~~
23 ~~more children which apply for a license after January 1, 1988.~~
24 ~~Existing facilities licensed for seven or more children shall comply~~
25 ~~by January 1, 1989.~~

26 ~~(b) (1) No employee of the state or county employed in the~~
27 ~~administration of this chapter or employed in a position that is in~~
28 ~~any way concerned with facilities licensed under this chapter shall~~
29 ~~hold a license or have a direct or indirect financial interest in a~~
30 ~~facility described in subdivision (a).~~

31 ~~(2) The department, by regulation, shall make the~~
32 ~~determination pursuant to the purposes of this section and chapter,~~
33 ~~as to what employment is in the administration of this chapter or~~
34 ~~in any way concerned with facilities licensed under this chapter~~
35 ~~and what financial interest is direct or indirect.~~

36 ~~(3) This subdivision does not prohibit the state or county from~~
37 ~~securing a license for, or operating, a facility that is otherwise~~
38 ~~required to be licensed under this chapter.~~

39 ~~(c) (1) No group home or foster family agency licensee, or~~
40 ~~employee, member of the board of directors, or officer of a group~~

~~home or foster family agency licensee, shall offer gifts or other remuneration of any type to any employee of the State Department of Social Services or placement agency that exceeds the monetary limits for gifts to employees of the State of California pursuant to Title 9 (commencing with Section 81000) of the Government Code and regulations adopted thereunder by the Fair Political Practices Commission.~~

~~(2) No employee of the department or a placement agency shall accept any gift or other remuneration of any type from a group home or foster family agency licensee or employee, member of the board of directors, or officer of a group home or foster family agency licensee that exceeds the monetary limits for gifts to employees of the State of California in Title 9 (commencing with Section 81000) of the Government Code and regulations adopted thereunder by the Fair Political Practices Commission.~~

~~(3) Violation of this subdivision is punishable as a misdemeanor.~~

~~(4) The Legislature requests that the Judicial Council study whether the California Code of Judicial Ethics should be amended to further limit or bar gifts from group home facilities and foster family agencies to judicial officers and employees of the court and to report its findings to the Legislature by July 1, 1999.~~

~~SEC. 2.—~~

~~SECTION 1.~~ Section 1522.44 is added to the Health and Safety Code, to read:

~~1522.44. Any requirement established by the department pursuant to subdivisions (b) and (j) of Section 1522.41 that an administrator of a group home facility *with a licensed capacity of six or less* have administrative experience or supervisory experience over staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more, shall be satisfied if the described work experience is obtained at a community care facility with a licensed capacity of six or more.~~